

UTAH RADIATION CONTROL BOARD

MINUTES OF THE UTAH RADIATION CONTROL BOARD MEETING, February 10, 2003, (by teleconference), 4:00 p.m., Department of Environmental Quality (Bldg #2), 168 North 1950 West, Conference Room 205, Salt Lake City, Utah.

BOARD MEMBERS PRESENT

Stephen T. Nelson, Ph.D., Chairman
Gary L. Edwards, M.S., Vice Chairman
William J. Sinclair, M.S.E.H., Executive Secretary
Karen S. Langley, M.S.
Dianne R. Nielson, Ph.D.
Kent Bradford, P.G.
Rod Julander, Ph.D.
John Thomson, M.D.
Linda Kruse, M.S.
Robert Pattison, B.Sc.
Royal Hansen, J.D.

BOARD MEMBERS ABSENT/EXCUSED

Thomas K. Chism, M.S.
Gregory G. Oman, D.D.S., B.S.
Gene White, Commissioner

DRC STAFF/OTHERS PRESENT

Fred Nelson, Utah Attorney General's Office

PUBLIC

James Holtkamp, LLGM LLP, counsel for
Envirocare
Jason Groenewold, FAIR, et. All
Laura Lockhart, Utah Attorney General's Office,
Counsel for the Executive Secretary

GREETINGS/MEETING CALLED TO ORDER

The Utah Radiation Control Board convened by teleconference on February 10, 2003. Public meeting space to observe the proceedings and listen to the conference call were made available in the DEQ Building #2, Room 205, 168 North 1950 West, in Salt Lake City, Utah. The meeting was called to order at 4:05 p.m., by Stephen Nelson, Chairman of the Board.

V. Radioactive Waste Disposal (Board action item)

- a. Final Order/Board decision regarding appeals of the final Executive Secretary decision on Envirocare's application to accept containerized Class A, B, and C low-level radioactive waste of July 9, 2001 - presentation by Fred Nelson, Utah Attorney General's Office

Fred Nelson indicated that each one of the Board members should have received a document entitled "Board Decision and Final Order." The final hearing regarding appeals of the final Executive Secretary decision on Envirocare's application to accept containerized Class A, B, and

C low-level radioactive waste of July 9, 2001 was held November 19, 2002 and the Board made a decision under the Administrative Procedures Act. It is required that such decisions be confirmed in writing. Fred indicated that he put together a draft "Board Decision and Final Order" and provided it to the parties for comment and received comments back from each of the parties. The comments were then incorporated into the draft that is before the Board. Each of the parties was then asked if any had further comments and each party (Envirocare, FAIR, Executive Secretary) indicated they had no further comments. Stephen Nelson then asked for comments from Board members.

Discussion by Board members:

Dianne Nielson suggested that on page 2, first paragraph, under History of the Proceeding that following the words, which would. . . that the following phrase be added: if approved by the Legislature and the Governor and if license conditions have been met.

Dianne Nielson further suggested that on page 11, first paragraph, under Order that the first sentence be modified to state: . . . a final Emergency Response Plan must be presented and approved by both the Executive Secretary and the Board. . .

Kent Bradford made the motion that the Board Decision and Order be approved including the two amendments suggested by Dr. Nielson, seconded by John Thomson.

A roll call vote was held on the motion:

Rod Julander	<u>Aye</u>
Kent Bradford	<u>Aye</u>
John Thomson	<u>Aye</u>
Dianne Nielson	<u>Aye</u>
Stephen Nelson	<u>Aye</u>
Gary Edwards	<u>Aye</u>
Linda Kruse	<u>Aye</u>
Karen Langley	<u>Abstain</u>
Royal Hansen	<u>Abstain</u>
Robert Pattison	<u>Aye</u>

CARRIED AND PASSED BY A VOTE OF 8-0 WITH ABSTENTIONS BY KAREN LANGLEY AND ROYAL HANSEN

Following the vote on the motion, Fred Nelson stated that he had been contacted by Karen Langley regarding her part in this proceeding. Fred wanted the record to state that Karen Langley was asked to testify by FAIR during the hearing but she did not appear on behalf of either FAIR or Envirocare as part of the proceeding.

Following conclusion of business, the meeting was adjourned at 4:20 p.m.